

3
4 AN ORDINANCE amending the City of
5 Fort Wayne Zoning Map No. O-38.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
7 OF FORT WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is
9 hereby designated a B-1-B (Limited Business) District under
10 the terms of Chapter 33 of the Code of the City of Fort
11 Wayne, Indiana of 1974:

12 Part of the Fractional Southeast Quarter of
13 Section 13, Township 31 North, Range 12 East, in
Allen County, Indiana, described as follows,
to-wit:

14 To arrive at the point of beginning, commence at
15 a point on the former centerline of State Road
16 No. 1 and 427, commonly known as the Leo Road,
17 said point being situated 389.5 feet South 23
degrees 47 minutes West (Deed Bearing) of the
18 intersection of the said centerline of State Road
19 No. 1 and 427 and the East line of the Fractional
20 Southeast Quarter of Section 13, Township and
21 Range aforesaid; thence South 83 degrees 17.7
22 minutes West (Deed Bearing) and by a deflection
23 right of 59 degrees 42 minutes from the
24 Southwesterly direction of said State Road No. 1
25 and 427 produced, a distance of 120.45 feet to the
26 aforementioned point of beginning as situated on
27 the Northwesterly right-of-way line of State Road
28 No. 1 and 427 as now established by right-of-way
29 Grant to the State Highway Department of Indiana
30 recorded in Deed Record 574, page 199, said point
31 also being the Northeast corner of the tract
hereinafter described; thence continuing
32 Southwesterly along the last described course
produced, a distance of 506.1 feet to the
Southwest corner of Lot 19 CRESTWOOD COLONY,
Section 1, as recorded, in Plat Book 25, page 56,
in the Office of the Recorder of said County;
thence South 25 degrees 28 minutes West (Deed
Bearing) and by a deflection left of 57 degrees 59
minutes along the Southeasterly line of said
CRESTWOOD COLONY, Section 1, a distance of 462.5
feet; thence Easterly and parallel to the North
line of Bethany Lane as established in Deed Record
535, page 547, by a deflection left of 117 degrees
44 minutes, a distance of 501.4 feet to the
Northwesterly right-of-way line of State Road No.

Bill No. G-85-

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Page two

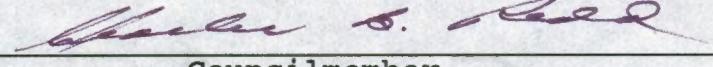
l and 427; thence Northeasterly along the said right-of-way line by a deflection left of 63 degrees 59 minutes, a distance of 498.0 feet to a point of beginning; containing 4.85 acres of land;

SUBJECT TO a 14 foot wide utility easement described in Deed Record 519, pages 449-50;

SUBJECT TO a storm drainage easement over 50 feet off the Westerly and Northerly borders thereof as per Board of Public Works Storm Drainage Resolution No. 165 (1966).

and the symbols of the City of Fort Wayne Zoning Map No. O-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Charles S. Reed
Councilmember

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Dodd
seconded by Sotiles, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the Ci
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way
Indiana, on _____, the _____ day of _____
, 19_____, at _____ o'clock _____.M.,E

DATE: 12-10-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Easterh
seconded by Ster, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: 1-28-86

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19_____,
at the hour of _____ o'clock _____.M.,E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19_____, at the hour of _____ o'clock _____.M.,E.S.T.

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We

Lila A. Schmidt

(Applicant's Name or Names)

Lawrence L. Jung

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B1B District the property described as follows:

TNS # C4301 7-28-69 Deed Book 729 pg 513

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

6300 NO. CLINTON

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

X Lawrence L. JungIndiana District of the
Lutheran Church No. 54 and
1145 S. Barr St.Lawrence L. Jung
Director of Finance

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Dickie Brown

(Name)

C. J. Bradley
6718 E. State St. #

(Address & Zip Code)

493-3511

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

and thereon or in the Office of the Recorder of said County and State, the same being free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings all as below indicated in detail. Any exceptions or discrepancies are below noted.

DESCRIPTION OF PROPERTY Lot No.

GETHSEMANE

SALE-OFF (4.856 Acres)

Part of the Fractional Southeast Quarter of Section 13, Township 31 North, Range 12 East, in Allen County, Indiana, described as follows, to-wit:

To arrive at the point of beginning, commence at a point on the former centerline of State Road No. 1 and 427, commonly known as the Leo Road, said point being situated 389.5 feet South 23 degrees 47 minutes West (Deed Bearing) of the intersection of the said centerline of State Road No. 1 and 427 and the East line of the Fractional Southeast Quarter of Section 13, Township and Range aforesaid; thence South 83 degrees 17.7 minutes West (Deed bearing) and by a deflection right of 59 degrees 42 minutes from the Southwesterly direction of said State Road No. 1 and 427 produced, a distance of 120.45 feet to the aforementioned point of beginning as situated on the Northwesterly right-of-way line of State Road No. 1 and 427 as now established by right-of-way Grant to the State Highway Department of Indiana recorded in Deed Record 574, page 199, said point also being the Northeast corner of the tract hereinafter described; thence continuing Southwesterly along the last described course produced, a distance of 506.1 feet to the Southwest corner of Lot 19 CRESTWOOD COLONY, Section 1, as recorded in Plat Book 25, page 56, in the Office of the Recorder of said County; thence South 25 degrees 28 minutes West (Deed bearing) and by a deflection left of 57 degrees 59 minutes along the Southeasterly line of said CRESTWOOD COLONY, Section 1, a distance of 462.5 feet; thence Easterly and parallel to the North line of Bethany Lane as established in Deed Record 535, page 547, by a deflection left of 117 degrees 44 minutes, a distance of 501.4 feet to the Northwesterly right-of-way line of State Road No. 1 and 427; thence Northeasterly along the said right-of-way line by a deflection left of 63 degrees 59 minutes, a distance of 498.0 feet to the point of beginning; containing 4.85 acres of land;

SUBJECT TO a 14 ft. wide utility easement described in Deed Record 519, pages 449-50;

SUBJECT TO a storm drainage easement over 50 ft. off the Westerly and Northerly borders thereof as per Board of Public Works Storm Drainage Resolution No. 165 (1966).

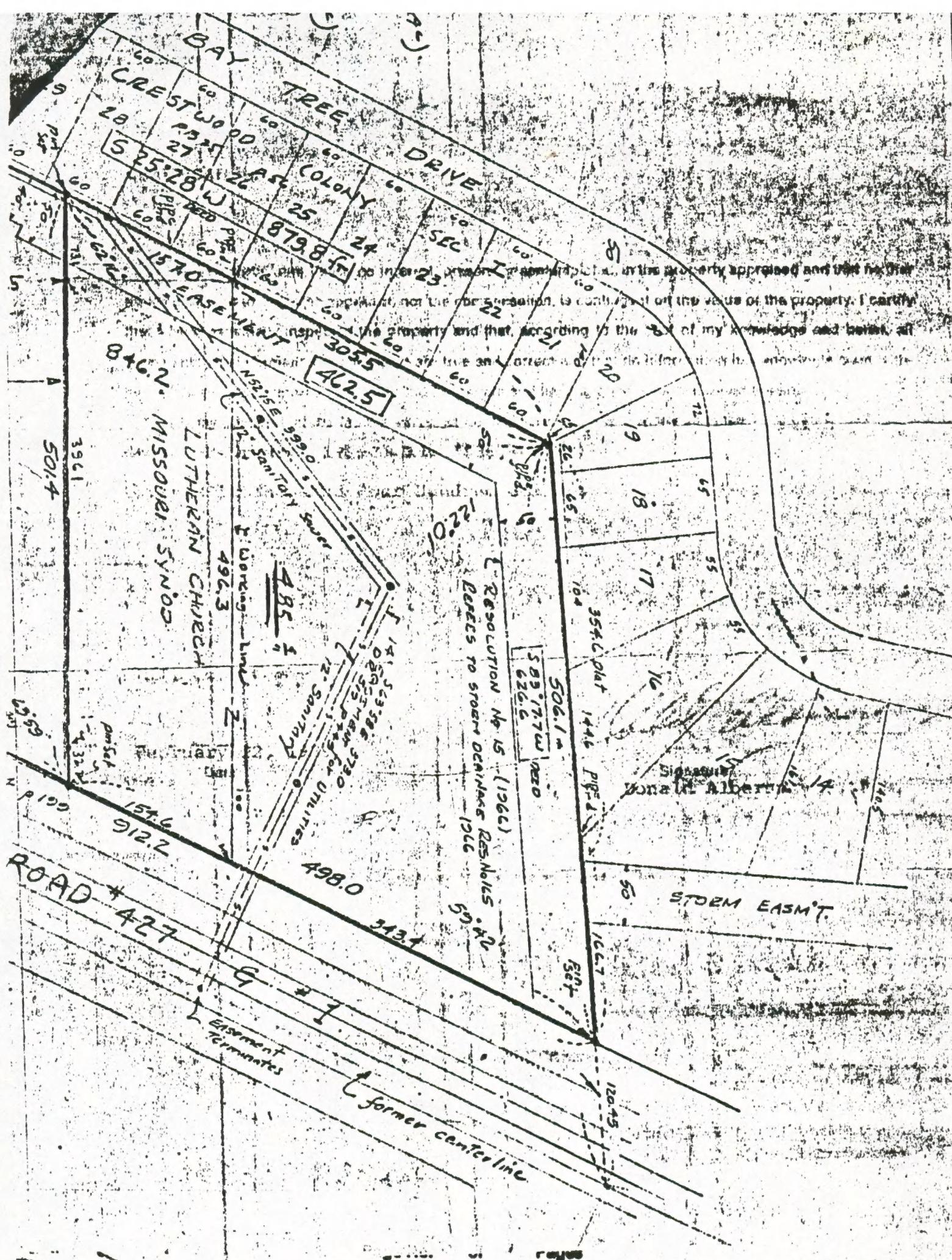
D.R. 556 p 494

SEE ATTACHED SURVEY

MAP Scale 1 In = 100 Ft.

10-72

Carl G. Hofner



SCRIPTION (continued):

Sketch and Dimensions

Plot Plan

APPROACH

506.1

Commercial

17 acre 150' STORM DRAINAGE EASEMENT
located in S-27 north of Coliseum across from
Northwest subdivision south of Medical Center area.
Date of sale is February 1938. 17 acres purchased for
\$12,000 per acre. Confirmed Al Rucker, Broker.

Commercial property 2

17.71 acre located in south of Pine Valley area.
S-27, 17.71 acre commercial property located in south of Pine Valley area.

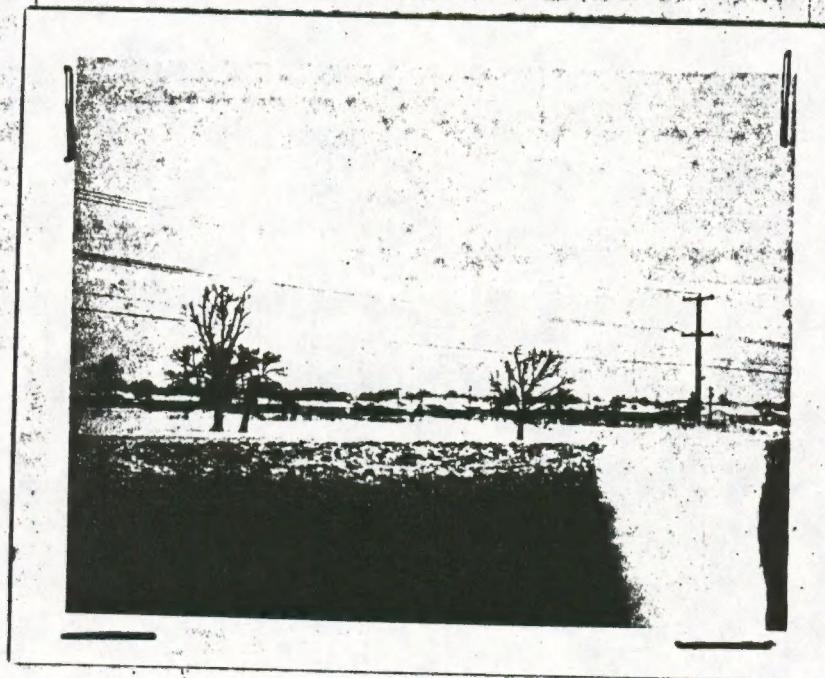
12' SANITARY SEWAGE EASEMENT
located in S-27, 17.71 acre commercial property located in south of Pine Valley area.

Purchased \$3,000 per acre and confirmed J. Lark, Developer.

Hwy 4

501.4

Commercial



See sketch
for location.
Lined.
or worn.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 10, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-12-98; and

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 16, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 30, 1985.

Certified and signed this
6th day of January 1986.



Melvin O. Smith
Secretary

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 515

FT. WAYNE, IND., 11/15 1985

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

Lila C. Schmidt \$ 50.00fifty 00 DOLLARS

100

AUTHORIZED SIGNATURE

receiving J. P. B.

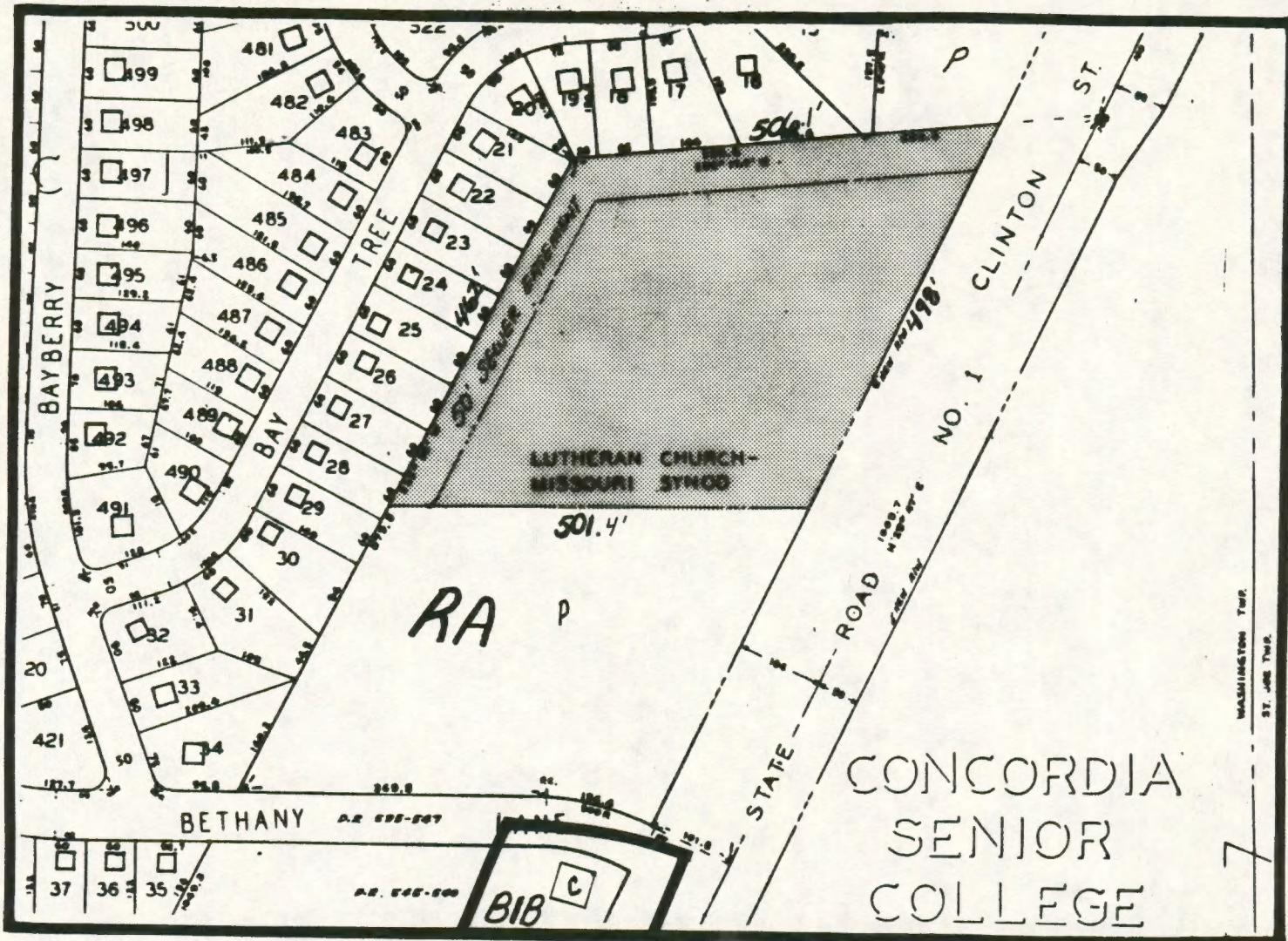
ZONING PETITION

#168

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A B-1-B DISTRICT.

MAP NO. O-38

COUNCILMANIC DISTRICT NO. 3

**Zoning:**

- RA RESIDENCE 'A'
B1B LIMITED BUSINESS 'B'

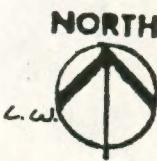
Land Use:

- SINGLE FAMILY
- COMMERCIAL
- CHURCH

Bill # Z-85-12-08

Scale: 1"=200'

Date: 11-21-85



FACT SHEET

Z-85-12-08

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON																																
Zoning Ordinance Amendment																																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">DETAILS</th> <th>POSITIONS</th> <th>RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td colspan="2"> Specific Location and/or Address 6300 No. Clinton Street </td> <td>Sponsor</td> <td>City Plan Commission</td> </tr> <tr> <td colspan="2"> Reason for Project To construct a Day Care Facility. </td> <td>Area Affected</td> <td>City Wide Other Areas</td> </tr> <tr> <td colspan="2"> Discussion (Including relationship to other Council actions) <u>16 December 1985 - Public Hearing</u> b) Bill No. Z-85-12-08 - From RA to B-1-B Change of Zone #168 6300 Block No. Clinton Street </td> <td>Applicants/ Proponents</td> <td>Applicant(s) Lila Schmidt & Lawrence Jung City Department Other </td> </tr> <tr> <td colspan="2"> John Police, with CE&M, Architects appeared before the Commission for Becky Arnold the realtor for the property. 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DETAILS

because just directly to the south of them is Washington Square and they are now victims of the runoff from Washington Square. He stated that about once every 5 years all of their floor space will be covered with water from the runoff presently. He stated that they have a licensed day care (Day Care of Allen County) in their building. He stated they would at least expect to have a drainage easement on the south line of the parcel that would relieve them of any water aggravations that development on this property would cause.

Steve Smith questioned if he were not opposed if they received a drainage easement, or they were still opposed even with a drainage easement.

The Pastor stated that they would like to see the drainage easement be a part of this request. He stated he felt it difficult to be against a day care center. He stated they are not against the day care center, they question the wisdom of it with a United Way Agency already next door.

Duane Embury questioned if they had considered purchasing the property.

The Pastor stated that in 1973 they did make an offer on the property but the offer was declined.

Mrs. Kenna questioned if this property was in some ponding area or within the floodway fringes. Mrs. Kenna questioned if the property would not be eligible for a variance due to a hardship because of its water problems. She stated it might be better to go through the Board of Zoning Appeals.

Ben Eisbart suggested that the petitioner meet with the staff and see if indeed it does classify as a hardship, the 1.2 acres, and see if they can come to some compromise.

The Pastor stated his opposition would be to the rezoning of the entire of the area.

Gloria Wilson, Associate Director of Child Care for Allen County, she stated that they are the agency that in September opened their 6th day care center, which is located in Gethsemane Lutheran Church. She stated that they are licensed for 72 children. She stated they have a potential to grow within the building.

Ben Eisbart questioned if there was a certain criteria for children attending their day care facility as opposed to a day care center which is for profit.

Ms. Wilson stated that their agency is primarily for low-income parents or children are referred because of abuse or neglect. She stated that everyone there comes under an income criteria. She stated if they had any openings they could serve anyone, but based on their other centers they are almost always full and have a waiting list of low-income children.

David Winters, 6536 Baytree Drive, appeared before the Commission. Mr. Winters stated that he was opposed because developing it would only add to the water problems they already have in the area. He stated that in order to have a drive to the property they would have to fill because the land slopes down from North Clinton.

Project Start

DATE: November 15, 1985

Projected Completion or Occupancy

Date 8 January 1986

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Steve Smith

Reference or Case Number

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Mr. Nelson, owner of Lot #17 on Baytree Drive appeared before the Commission. Mr. Nelson stated that he was opposed to the rezoning because of the water problems. He stated that his land has started to erode because of the water runoff. He stated this would cause more runoff. He stated that it is at least 4 feet down from North Clinton to this property and it would have to be filled in order to put in an entrance to the property.

John Police stated that the petitioners had spoken to the Army Corps of Engineers and they show the flooding area on the east side of North Clinton.

Duane Embury stated that is true on the Federal map, but he stated there is such a thing as a local drainage shed which goes through there and is on record in Water Pollution Control Engineering and the Allen County Drainage Board.

Mrs. Kenna stated that she would like to than re-emphasize that the petitioner meet with the staff and consider a variance from the Board of Zoning Appeals on the basis of a hardship.

Lila Schmidt, the petitioner, stated that her day care center would be strictly for parents who needed a full day situation for their children. She stated that it would be for profit organization.

Ben Eisbart stated that the petitioner should meet with Duane Embury and figure out exactly what the status of the property was with regard to flood plain, local drainage shed, or whatever and then come back to the Commission with those findings and we could work from their.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

30 December 1985 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the nine members present - 8 voted in favor of denial - 1 did not vote.

ORIGINAL

Admn. Appr.

COUNCILMANIC DISTRICT No. 3

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE **Land Use Management - CD&P** *3-85-12-08*

SYNOPSIS OF ORDINANCE **6300 Block North Clinton**

Property is now zoned RA - Suburban Residential.

Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-85-12-08

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. 0-38

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
~~(RESOLUTION)~~

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 1-28-86

SANDRA E. KENNEDY
CITY CLERK